



41 08-18-03

1636

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 93,354-SS)

In the Application of:

Roninson et al.

Serial No.: 10/010,167

Filing Date: 12/10/2001

**For: Genes and Genetic Elements Associated
With Sensitivity to Chemotherapeutic
Drugs**

Examiner: James Ketter

Group Art Unit: 1636

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TRANSMITTAL LETTER

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Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:

- a) Information Disclosure Statement;
- b) PTO Form 1449; and cited references
- c) Return postcard

2. With respect to fees:

- a) No fees are required
- b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

3. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage Express Mail in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450 on August 14, 2003.

Respectfully submitted,

Date: August 14, 2003

Kevin E. Noonan, Ph.D.
Registration No. 35,303



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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Alexandria, VA 22313

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Copies of the references cited below are enclosed. These references are also listed on the enclosed PTO Form 1449.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

Applicants do not believe any fee is due with this submission. If this belief be in error and the Patent Office determines that the fee prescribed in the relevant portion of 37 C.F.R. Section 1.97 is applicable, the undersigned representative by his signature hereby authorizes any such fee to be debited from Deposit Account 13-2490.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

Date: August 14, 2003

Kevin E. Noonan
Reg. No. 35,303

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 13

Complete if Known

Application No.	10/010.167
Filing Date:	December 10, 2001
First Named Inventor	Roninson et al.
Group Art Unit	1636
Examiner Name	J. Ketter
Attorney Docket No.	93,354-SS

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. 1	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Figures Appear
		Number	Kind Code ² (if known)			
	1	5,217,889		Roninson	May 9, 2000	
	2	6,083,745		Gudkov et al.	July 4, 2000	
	3	6,197,521	B1	Gudkov et al.	March 6, 2001	
	4	6,060,244		Roninson	May 9, 2002	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. 1	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	5	WO	91/07492		Central Blood Laboratories Authority	May 30, 1991		

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

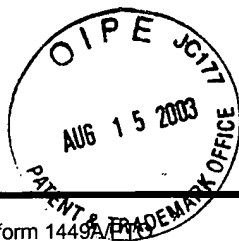
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	6	Albritton et al., "A Putative Murine Ecotropic Retrovirus Receptor Gene Encodes a Multiple Membrane-Spanning Protein and Confers Susceptibility to Virus Infection", 1989, Cell 57:659-666.	
	7	Altshul et al., "Basic Local Alignment Search Tool", 1990, J. Mol. Biol. 215:403-410.	
	8	Baim et al. "A Chimeric Mammalian Transactivator Based on the Lac Repressor that is regulated by Temperature and isopropyl b-D-thiogalactopyranoside", Proc Natl Acad Sci USA 88:5072-5076 (1991).	
Examiner Signature		Date Considered	

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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English translation is attached.

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Substitute for form 1449A (Rev. 11/97) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application No.	10/010,167
				Filing Date:	D cember 10, 2001
				First Named Inventor	Roninson et al.
				Group Art Unit	1636
				Examiner Name	J. Ketter
Sheet	2	of	13	Attorney Docket No.	93,354-SS

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	9	Baird et al., "Identification, Cloning and Characterization of the Escherich coli sohA Gene, a Suppressor of the htrA (degP) Null Phenotype", J. Bacteriol 172: 1587-1594 (1990).		
	10	Ballester et al., "The NF1 Locus Encodes a Protein Funcationally Related to Mammalian GAP and Yeast IRA Proteins", 1990, Cell 62: 851-859.		
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet	3	of	13	Attorney Docket No.	93,354-SS
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Application No.	10/010,167
Filing Dat :	Dec mb r 10, 2001
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	19	Chejanovsky et al., "MutationJ. Virol. <u>64</u> : 1764-1770 (1990).
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	28	Endow, "The Emerging Kinesin Family of Microtubule Motor ProteinTrends Biochem Scie <u>16</u> : 221-225 (1991).
	29	Fearon et al., "Identification of a Chromosone 19q Gene That is Altered in Colorectal Cancers", 1990, Science <u>247</u> : 49-56.

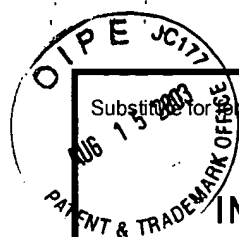
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				Group Art Unit	1636
				Examiner Name	J. Ketter
Sheet	4	of	13	Attorney Docket No.	93,354-SS

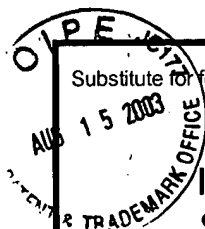
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	30	Fereira et al., "Suppression of Kinesin Expression in Cultured Hippocampal Neurons Using Antisense Oligonucleotides", J. Cell Biol 117:595-606 (1992).	
	31	Fields et al., "Presence of a Potent Transcription Activating Sequence in the p53 Protein", 1990 Science, 249:1046-1049.	
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	34	Friend et al., "Deletions of a DNA sequence in retinoblastomas and mesenchymal tumors: Organization of the sequence and its encoded protein", 1987, Proc. Natl. Acad. Sci. USA 84:9059-9063.	
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	36	Graf & Beug, "Role of the v-erbA and v-erbB Oncogenes of Avian Erythroblastosis Virus in Erythroid Cell Transformation", 1983, Cell 34: 7-9.	
	37	Green et al., "Mutational Analysis of HIV-1 Tat Minimal Domain Peptides: Identificaiton of Trans-Dominant Mutants That Suppress HIV-LTR-Driven Gene Expression", Cell 58:215-223.	

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	38	Groger et al., "Directional antisense and sense cDNA cloning using Epstein-Barr virus episomal expression vectors", Gene <u>81</u> : 285-294 (1989).	
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	41	Herskowitz, "Functional Inactivation of Genes by Dominant Negative Mutations", Nature, <u>329</u> :219-22(1987	
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	44	Keown et al., "Methods for Introducing DNA into Mammalian Cells", Methods Enzymol <u>185</u> : 527-536 (1990).	

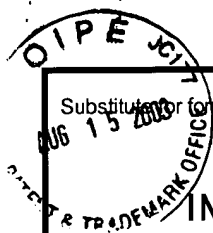
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Sheet 6 of 13

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	45	Kern et al., "Mutant p53 proteins bind DNA abnormally in vitro", 1991, Oncogene <u>6</u> : 131-136.	
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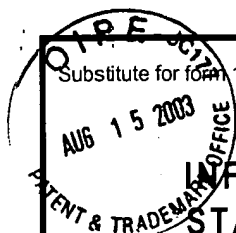
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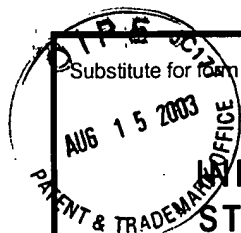
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	54	Laforgia et al., "Receptor protein-tyrosine phosphatase γ is a candidate tumor suppressor gene at human chromosome region 3p21", 1991, Proc. Natl. Acad. Sci. USA <u>88</u> : 5036-5040.	
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	60	Markowitz et al., "Construction and Use of a Safe and Efficient Amphotropic Packaging Cell Line", Virology <u>167</u> : 400-406 (1988).	
	61	McConkey et al., "Glucocorticoids Activate a Suicide Process in Thymocytes through an Elevation of Cytosolic Ca ²⁺ Concentration", 1989, Arch. Biochem. Biophys. <u>269</u> :365-370.	
	62	Miller & Rosman, "Improved Retroviral Vectors for Gene Transfer and Expression", Biotechniques <u>7</u> :980-986 (1989).	

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Application No.	10/010,167
Filing Date:	December 10, 2001
First Named Inventor	Roninson et al.
Group Art Unit	1636
Examiner Name	J. Ketter
Attorney Docket No.	93,354-SS

Sheet 9 of 13

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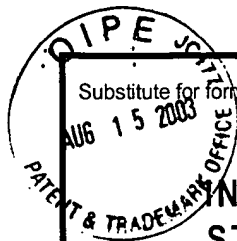
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	72	Navone et al. "Cloning and Expression of a Human Kinesin Heavy Chain Gene: Interaction of the COOH-terminal Domain with Cytoplasmic Microtubules in Transfected CV-1 Cells", J Cell Biol <u>117</u> : 1263-1275 (1992).	
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First Named Inventor	Roninson et al.
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Sheet 10 of 13

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	81	Powell et al., "Protection against tobacco mosaic virus in transgenic plants that express tobacco mosaic virus antisense RNA", Proc. Natl. Acad. Sci, USA <u>86</u> : 6949-6952 (1989).	
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	87	Sap et al., "Repression of Transcription mediated at a thyroid hormone response element by the v-erb-A oncogene product", 1989, Nature, <u>340</u> :242-244.	
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	95	Trent et al., "Identification of a Recurring Translocation Site Involving Chromosome 6 in Human Malignant Melanoma", 1989, Cancer Res. <u>49</u> : 420-423.	
	96	Trono et al., "HIV-1 Gag Mutants Can Dominantly Interfere with the Replication of the Wild-Type Virus", Cell <u>59</u> :113-120 (1989).	
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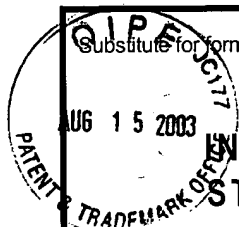
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	105	Whitaker-Dowling et al., "Cold-Adapted Vaccine Strains of Influenza A Virus Act as Dominant Negative Mutants in Mixed Infections with Wild-Type Influenza A Virus", Virology <u>175</u> :358-364 (1990).		
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